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Posted At: Friday, May 19, 2006 3:14 PM

Posted To: Western Comments

Conversation: City of Gig Harbor Comments on the Phase II Western Washington Permit

Subject: City of Gig Harbor Comments on the Phase II Western Washington Permit

The City of Gig Harbor has reviewed the Department of Ecology's February 15, 2006 final draft of the NPDES Phase II Western Washington Municipal Stormwater Permit and has the following comments on the respective sections:

### S3. Responsibilities of Permittees

1. Item S3.B: As written, the Permittee (City) may rely on another public entity (i.e. WSDOT or Pierce County) to satisfy the conditions of the City's Phase II permit where facilities from the other entity discharge downstream to the City's storm system. The final draft permit appears to move the responsibility to comply with permit conditions to the City if the other public entity fails to comply with the City's permit. The responsibility for compliance due to the failure of one public entity to comply with the Phase II permit should lie with DOE, not with the downstream agency. (Unless City Code is modified to force compliance of the upstream entity to meet the City's phase II permit conditions. However, this may be difficult, or even impossible, if the City's technical requirements under the Phase II permit are more restrictive than the upstream entity. As a result, the City would not appear to have regulatory authority over WSDOT or Pierce County.)

### S5. Stormwater Management Program for Cities, Towns, and Counties

2. Item S5.C: There is no maximum limit in percent of revenue for what a permittee must spend on implementing the mandatory components. Is the City supposed to raise rates indefinitely to fund all labor and materials necessary to meet the requirements of the mandatory components?

3. Item S5.C.3.a.i: Does this include emergency overflows from municipal separate storm sewer structures? Emergency overflows (i.e. flows during storm events larger than the 100 year event where the discharge rate is in excess of the designed metered 100 year storm event discharge rate) should be exempt.

4. Item S5.C.4: Jurisdictions should be allowed to use their current stormwater design manual as a basis for stormwater design. If no stormwater design manual exists, then the Technical Thresholds in Appendix 1 would apply.

5. Item S5.C.4.a thru S5.C.4.f: The final draft permit appears to allow "certain requirements" to be "tailored to local circumstances through the use of basin plans or other similar water quality and quantity planning efforts." These "certain requirements" are not defined. Appendix 1 should either clearly define which requirements may be tailored, or the word "certain" should be removed to allow any requirement to be tailored.

Appendix 1- Minimum Technical Requirements for New Development and Redevelopment

6. Definitions Related to Minimum Requirements: A definition for "Existing Site Conditions" should be included within Appendix 1 that provides for, as a minimum:

A. Previously Developed Sites: Existing Site Conditions shall mean the conditions that existed upon the date of adoption of the Permit.

B. Undeveloped Sites: Existing Site Conditions of the site prior to artificial alteration or human activity such as logging, mining, clearing, and grading which changes the retentive capabilities of the site to absorb, detain, or transport (i.e., interflow vs. sheetflow) stormwater.

If you have questions, please contact myself or Stephen Misiurak, PE, City Engineer, at (253) 851-6170.

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